

33. (Once Amended) A fluid conduit device for an aircraft, comprising a tube member having a proximal end and a distal end, the proximal end being configured for connection to an aircraft in communication with an onboard tank, the distal end having a fluid inlet configured to be entirely submerged in a fluid source while the aircraft flies translationally over the fluid source.

Applicant has attached a separate, marked-up version of the amended claims, showing changes relative to the previous version, in accordance with 37 C.F.R. § 1.121.

#### **REMARKS**

Applicants are filing this amendment in response to the final Office action dated October 23, 2002, under 37 C.F.R. § 1.116(a). Claims 1-12, 14-19, 25-29, 31, and 32 are allowed. Claims 20 and 33 were rejected under 35 U.S.C. § 102(b) in view of Foster et al. (5,967,462). Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) over Foster et al. in view of Nichols (6,209,593). Claims 21 and 22 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten into independent form. Applicants have proposed amendments for claims 20 and 33 to clarify important distinguishing features of the claimed invention relative to the cited art. Accordingly, entry of this amendment will place the application in condition for allowance.